

**UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF PUERTO RICO**

IN RE

**MILITZA PEREZ SOTO
CARLOS R BERRIOS BAEZ**

DEBTOR(S)

CASE NO. 06-02289-ESL

CHAPTER: 13

MOTION REQUESTING DISMISSAL

TO THE HONORABLE COURT:

Comes now, **RELIABLE FINANCIAL SERVICES, INC.**, holder of an unsecured claim and Movant herein, and respectfully sets forth and prays:

1. Movant is the holder in due course of a duly executed conditional sales contract over motor vehicle (a) KIA SORENTO 2003 registered under number 2885633, executed by debtor(s) on JUNE 24, 2003 (b) NISSAN FRONTIER 2003 registered under number 2894577, executed by debtor(s) on AUGUST 23, 2003.

2. Debtor's(s') Chapter 13 Plan was confirmed on MARCH 18, 2008. Said plan calls for \$550.00 X 16, \$.00 X 9, \$600.00 X 3, \$200.00 X 32 payments.

3. However, according to the records made available to creditors by the Trustee, as of today's date, debtor(s) has(have) only paid \$ **14,600.00**, out of \$ **15,200.00** due.

4. Section 1307 (c) (6) of the Bankruptcy Code provides for the dismissal of a case under chapter 13 for "material default by the debtor with respect to a term of a confirmed plan."

WHEREFORE, Movant requests the dismissal of the instant case since debtor(s) has(have) defaulted on the payments to the Chapter 13 Trustee.

NOTICE TO ALL PARTIES is hereby given to the effect that unless a party in interest objects to the dismissal of this case within thirty (30) days from the date of this notice, the case may be dismissed without a hearing.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that the present motion was filed electronically with the Clerk of the Court using CM/ECF systems which will send notifications of such to the **ALEJANDRO OLIVERAS**, Trustee and **ROBERTO FIGUEROA CARRASQUILLO**, Debtor(s) Attorney and that we have sent copy of this document through regular mail to Debtor(s) **MILITZA PEREZ SOTO, CARLOS R BERRIOS BAEZ, PO BOX 353 AGUAS BUENAS, PR 00703** and to all non CM/ECF participants interested as per mailing list which is hereby included.

RESPECTFULLY SUBMITTED,

In San Juan, Puerto Rico this 25 day OCTOBER, 2010.

/S/ CARLOS E. PEREZ PASTRANA
USDC-208913

Attorney for Movant

PO BOX 21382

SAN JUAN, PR 00928-1382

TEL. 787-625-6645 FAX: 787-625-4891

cperezp@reliablefinanciam.com

Label Matrix for local noticing 0104-3 Case 06-02289-ESL13 District of Puerto Rico Old San Juan Wed Jan 23 16:47:18 AST 2008	COOP A/C JESUS OBRERO PMB 159 HC-01 BOX 29030 CAGUAS, PR 00725-8900	R&G PREMIER BANK C/O ISMAEL H HERRERO III PO BOX 362159 SAN JUAN, PR 00936-2159
RELIABLE FINANCIAL SERVICES CARLOS E PEREZ PASTRANA PO BOX 21382 SAN JUAN, PR 00928-1382	US Bankruptcy Court District of P.R. U.S. Post Office and Courthouse Building 300 Recinto Sur Street, Room 109 San Juan, PR 00901-1964	BANCO POPULAR DE PR CONSUMER BANKRUPTCY DEPT PO BOX 366818 SAN JUAN PR 00936-6818
BP-PERSUN PO BOX 2708 SAN JUAN, PR 00960	CHILDRENS PLACE PO BOX 9714 GRAY, TN 37615-9714	CITIFINANCIAL 1 CITIBANK DR STE 201 SAN JUAN, PR 00926-9600
CITIFINANCIAL 111 CARR 174 STE 2 BAYAMON, PR 00959-1910	CITIFINANCIAL F/K/A ASSOCIATES FINANCE C/O FORTUNO & FORTUNO FAS PO Box 9300 SAN JUAN PR 00908-0300	COOP A/C JESUS OBRERO PMB159 HC 1 BOX 29030 CAGUAS, PR 00725-8900
COOPERATIVA AC JESUS OBRERO CARLOS A QUILICHINI PAZ ESQ PO BOX 9020895 SAN JUAN PR 00902-0895	GAB PO BOX 981400 EL PASO, TX 79998-1400	GATSBY PO BOX 6359 CAGUAS, PR 00726-6359
GEMB/BANANA REP PO BOX 981400 EL PASO, TX 79998-1400	JC PENNEY PO BOX 364788 SAN JUAN, PR 00936-4788	LVNV Funding LLC its successors and assigns assignee of Citibank USA Resurgent Capital Services PO Box 10587 Greenville, SC 29603-0587
MARIANNES 995 W 122 ND AVE WESTMINSTER, CO 80234-3417	MBNA PO BOX 15019 WILMINGTON, DE 19886-5019	MONOGRAM BANK N AMERICA PO BOX 17054 WILMINGTON, DE 19884-0001
MUEBLERIA BERRIOS PO BOX 674 CIDRA, PR 00739-0674	MUEBLERIAS BERRIOS P.O. Box 674 CIDRA, PR 00739-0674	PUERTO RICO ELECTRIC POWER BANKRUPTCY CLAIMS OFFICE PO BOX 364267 SAN JUAN PR 00936-4267
R&G PREMIER BANK (#05573) CONSUMER DEPARTMENT/BANKRUPTCY DIVISION PO BOX 2510 GUAYNABO, PR 00970-2510	R&G PREMIER BANK OF PR ISMAEL H HERRERO III PSC PO BOX 362159 SAN JUAN PR 00936-2159	RELIABLE FINANCIAL SERVICES CARLOS PEREZ PASTRANA ESQ PO BOX 21382 SAN JUAN, PR 00928-1382
RG PREMIER BANK RD 100 & 177 SAN JUAN, PR 00928	Recovery Management Systems Corporation For GE Money Bank dba BANANA REPUBLIC 25 SE 2nd Ave Ste 1120 Miami FL 33131-1605	Recovery Management Systems Corporation For GE Money Bank dba GAP 25 SE 2nd Ave Ste 1120 Miami FL 33131-1605

Recovery Management Systems Corporation For GE Money Bank dba JCPENNEY CREDIT SERVICES 25 SE 2nd Ave Ste 1120 Miami FL 33131-1605	Recovery Management Systems Corporation For GE Money Bank dba OLD NAVY 25 SE 2nd Ave Ste 1120 Miami FL 33131-1605	Recovery Management Systems Corporation For GE Money Bank dba SAM'S CLUB 25 SE 2nd Ave Ste 1120 Miami FL 33131-1605
SAMS CLUB PO BOX 9814000 EL PASO, TX 79998	WESTERN BANK CALL BOX WFS MAYAGUEZ, PR 00681	WESTERN BANK PO BOX 1180 MAYAGUEZ, PR 00681-1180
WFNNB/ANN TAYLOR PO BOX 182273 COLUMBUS, OH 43218-2273	World Financial Network National Bank Ann Taylor c/o Weinstein & Riley, P.S. 2101 Fourth Ave., Suite 900 Seattle, WA 98121-2339	World Financial Network National Bank Marianne's c/o Weinstein & Riley, P.S. 2101 Fourth Ave., Suite 900 Seattle, WA 98121-2339
ZALES PO BOX 6003 HAGERSTOWN, MD 21747-6003	eCAST Settlement Corporation assignee of MBNA America Bank N A POB 35480 Newark NJ 07193-5480	ALEJANDRO OLIVERAS RIVERA ALEJANDRO OLIVERAS, CHAPTER 13 TRUS PO BOX 9024062 SAN JUAN, PR 00902-4062
CARLOS R BERRIOS BAEZ PO BOX 353 AGUAS BUENAS, PR 00703-0353	MILITZA PEREZ SOTO PO BOX 353 AGUAS BUENAS, PR 00703-0353	MONSITA LECAROS ARIBAS OFFICE OF THE US TRUSTEE (UST) OCHOA BUILDING 500 TANCA STREET SUITE 301 SAN JUAN, PR 00901-1938
ROBERTO FIGUEROA CARRASQUILLO PO BOX 193677 SAN JUAN, PR 00919-3677	End of Label Matrix Mailable recipients 45 Bypassed recipients 0 Total 45	

**UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF PUERTO RICO**

IN RE:

**MILITZA PEREZ SOTO
CARLOS R BERRIOS BAEZ**

DEBTOR(S)

CASE NO 06-02289-ESL

CHAPTER 13

**MOTION SUBMITTING DECLARATION
UNDER PENALTY OF PERJURY**

Comes now, RELIABLE FINANCIAL SERVICES, holder of a secured claim and Creditor herein and submitting to the Honorable Court the following declaration:

I, **HILDARIS B. BURGOS MURIEL**, Bankruptcy Official for RELIABLE FINANCIAL SERVICES, declare under penalty of perjury, the following:

That according to the enclosed certification, provided by Department of Defense Manpower Data Center (DMDC), debtor(s) is(are) not on active military duty nor in the military service and does not fall within the Service Member Civil Relief Act of 2003.

RESPECTFULLY SUBMITTED.

In San Juan, Puerto Rico, this 21 day of OCTOBER, 2010.

S/HILDARIS B. BURGOS MURIEL
Bankruptcy Official
P. O. Box 21382
San Juan, PR 00928-1382
Tel. (787)625-6647 FAX:(787)625-4891
hburgosm@reliablefinancial.com

Department of Defense Manpower Data Center

Oct-26-2010 07:14:53



Military Status Report
Pursuant to the Service Members Civil Relief Act

Last Name	First/Middle	Begin Date	Active Duty Status	Active Duty End Date	Service Agency
BERRIOS	CARLOS	Based on the information you have furnished, the DMDC does not possess any information indicating the individual status.			

Upon searching the information data banks of the Department of Defense Manpower Data Center, based on the information that you provided, the above is the current status of the individual as to all branches of the Uniformed Services (Army, Navy, Marine Corps, Air Force, NOAA, Public Health, and Coast Guard).

Mary M. Snavely-Dixon, Director
Department of Defense - Manpower Data Center
1600 Wilson Blvd., Suite 400
Arlington, VA 22209-2593

The Defense Manpower Data Center (DMDC) is an organization of the Department of Defense that maintains the Defense Enrollment and Eligibility Reporting System (DEERS) database which is the official source of data on eligibility for military medical care and other eligibility systems.

The DoD strongly supports the enforcement of the Service Members Civil Relief Act (50 USC App. §§ 501 et seq, as amended) (SCRA) (formerly known as the Soldiers' and Sailors' Civil Relief Act of 1940). DMDC has issued hundreds of thousands of "does not possess any information indicating that the individual is currently on active duty" responses, and has experienced a small error rate. In the event the individual referenced above, or any family member, friend, or representative asserts in any manner that the individual is on active duty, or is otherwise entitled to the protections of the SCRA, you are strongly encouraged to obtain further verification of the person's status by contacting that person's Service via the "defenselink.mil" URL <http://www.defenselink.mil/faq/pis/PC09SLDR.html>. If you have evidence the person is on active duty and you fail to obtain this additional Service verification, punitive provisions of the SCRA may be invoked against you. See 50 USC App. §521(c).

If you obtain additional information about the person (e.g., an SSN, improved accuracy of DOB, a middle name), you can submit your request again at this Web site and we will provide a new certificate for that query.

This response reflects **active duty status** including date the individual was last on active duty, if it was within the preceding 367 days. For historical information, please contact the Service SCRA points-of-contact.

More information on "Active Duty Status"

Active duty status as reported in this certificate is defined in accordance with 10 USC § 101(d)(1) for a period of more than 30 consecutive days. In the case of a member of the National Guard, includes service under a call to active service authorized by the President or the Secretary of Defense for a period of more than 30 consecutive days under 32 USC § 502(f) for purposes of responding to a national emergency declared by the President and supported by Federal funds. All Active Guard Reserve (AGR) members must be assigned against an authorized mobilization position in the unit they support. This includes Navy TARs, Marine Corps ARs and Coast Guard RPAs. Active Duty status also applies to a Uniformed Service member who is an active duty commissioned officer of the U.S. Public Health Service or the National Oceanic and Atmospheric Administration (NOAA Commissioned Corps) for a period of more than 30 consecutive days.

Coverage Under the SCRA is Broader in Some Cases

Coverage under the SCRA is broader in some cases and includes some categories of persons on active duty for purposes of the SCRA who would not be reported as on Active Duty under this certificate.

Many times orders are amended to extend the period of active duty, which would extend SCRA protections. Persons seeking to rely on this website certification should check to make sure the orders on which SCRA protections are based have not been amended to extend the inclusive dates of service. Furthermore, some protections of the SCRA may extend to persons who have received orders to report for active duty or to be inducted, but who have not actually begun active duty or actually reported for induction. The Last Date on Active Duty entry is important because a number of protections of SCRA extend beyond the last dates of active duty.

Those who would rely on this certificate are urged to seek qualified legal counsel to ensure that all rights guaranteed to Service members under the SCRA are protected.

WARNING: This certificate was provided based on a name and SSN provided by the requester. Providing an erroneous name or SSN will cause an erroneous certificate to be provided.
Report ID:LGHIUSETCN

Department of Defense Manpower Data Center

Oct-26-2010 07:15:47



Military Status Report
Pursuant to the Service Members Civil Relief Act

Last Name	First/Middle	Begin Date	Active Duty Status	Active Duty End Date	Service Agency
PEREZ	MILITZA	Based on the information you have furnished, the DMDC does not possess any information indicating the individual status.			

Upon searching the information data banks of the Department of Defense Manpower Data Center, based on the information that you provided, the above is the current status of the individual as to all branches of the Uniformed Services (Army, Navy, Marine Corps, Air Force, NOAA, Public Health, and Coast Guard).

A handwritten signature in black ink that reads "Mary M. Snavely-Dixon".

Mary M. Snavely-Dixon, Director
Department of Defense - Manpower Data Center
1600 Wilson Blvd., Suite 400
Arlington, VA 22209-2593

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Report ID:GGH3TJG1S0